



Entered on Docket
June 01, 2010


Hon. Mike K. Nakagawa
United States Bankruptcy Judge

WILDE & ASSOCIATES

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US Bank National Association, as Trustee for Home Equity Pass- Through Certificates Series

HEAT 2006-5

10-70555

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Sixto Vargas and Ludilma Angelica Vargas

Debtors.

BK-S-09-18092-mkn

MS Motion No. 40

Date: 5/17/2010

Time: 9:30 a.m.

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the
2 post-petition arrearages currently due as follows:

3		
4		
5		
6	4 Monthly Payments(s) at \$1,691.93	\$6,767.72
7	(February 1, 2010 - May 1, 2010)	
8	4 Late Charge(s) at \$72.54	\$290.16
9	(February 1, 2010 - May 1, 2010)	
10	Motion for Relief Filing Fee	\$150.00
11	Attorneys Fees	\$750.00
12	Suspense Amount	(\$1,410.88)
13	Total	\$6,547.00

14 The total arrearage shall be paid in six monthly installments. Payments one through five
15 (1-5) in the amount of \$1,095.34 shall be in addition to the regular monthly payment and shall be
16 due on or before the 20th day of the month commencing with the June 20, 2010 payment and
17 continuing throughout and concluding on or before October 20, 2010. The sixth final payment in
18 the amount of \$1,095.30 shall be paid on or before November 20, 2010.

19 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume
20 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
21 beginning with the June 1, 2010, payment, on Secured Creditor's Trust obligation, encumbering the
22 subject Property, generally described as 4325 Newcastle Rd , Las Vegas, NV 89103, and legally
23 described as follows:

24 All that parcel of land in Clark County, State of Nevada, as more fully described in Deed
25 Book 20031223148, ID# 163-23-211-002, being known and designated as Lot 14 Block 10
26 of LAURELWOOD SPRING VALLEY UNIT #4, as shown by Map thereof on file in
Book 18, of Plats, page 33, in the office of the County Recorder of Clark County, Nevada.

By fee simple deed from Alfonso L. Ribera, a single man as set forth in Deed Book 20031223, 148 Dated 12/02/2003 and recorded 12/23/2003, Clark County Records, State of Nevada.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make
any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file

1 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
2 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
3 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement.

4
5 If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured
6 Creditor may submit to this Court an Order vacating the automatic stay as to Secured
7 Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the
8 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
9 possession thereof.

10 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
11 shall give Debtors at least five business days' notice of the time, place and date of sale.

12
13
14 Submitted by:

15 WILDE & ASSOCIATES

16
17 By  #10099

GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

18
19
20 APPROVED AS TO FORM & CONTENT:

21 Rick A. Yarnall

22 By  5-19-10

23 Rick A. Yarnall
24 Chapter 13 Trustee
25 701 Bridger Avenue #820
26 Las Vegas, NV 89101

David M. Crosby

By 

David M. Crosby
Attorney for Debtors
711 South 8th Street
Las Vegas, NV 89101

Nevada Bar No. 11627

1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☒ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☒ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor